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Providing Legal Aid To The Poor

Terry Russell, president of The Florida Bar, has spent months pushing legislation that would provide state funding for legal assistance for the poor. He makes a compelling case.

Legal assistance means providing advice and other help in civil matters to low-income Floridians with generally uncomplicated legal problems. For many, it is the key to stabilizing their lives.

The Bar says roughly 30 percent of indigent households have some legal needs in a given year, yet Florida makes no annual legislative appropriation to serve these residents. Instead, the state depends on 41 local not-for-profit organizations, funded at \$54 million a year, and the \$172 million in time donated by members of the Bar to serve these needy families.

These legal aid groups and the individuals providing pro bono services do a commendable job, but they cannot meet the demand. As Russell points out, some 400,000 legal aid cases go unassisted each year. He hopes a streamlined and more efficient network can be put in place to ensure that Floridians who need help have access to it.

That network is provided for in The Florida Access to Civil Legal Assistance Act, which has passed out of committees in both the state House and Senate and is headed to appropriations review.

The act proposes to create an administrative framework under the Department of Community Affairs to contract with a statewide not-for-profit group to allocate funds to nonprofit legal organizations. The cost is estimated at \$10 million to be obtained from unused federal welfare funds from the Temporary Assistance for Needy Families program.

But the funding is uncertain, and Congress failed to reauthorize \$65 million in supplemental TANF moneys. Nevertheless, Russell is determined.

Significantly, the bill places limits on how funds can be used. Funds may not be used to lobby for passage or defeat of legislation, nor to provide legal advice in criminal or post conviction proceedings. They cannot be used to sue the state or any agencies or

subdivisions of the state, nor any colleges or universities. Nor can the moneys be spent to initiate or participate in a class-action lawsuit.

Some question the constitutionality of the act in light of a U.S. Supreme Court decision last year that struck down on First Amendment grounds a law that limited what lawyers could argue when representing clients in welfare cases. This bill, however, is distinguishable because it limits specific representation and does not restrict lawyers in the manner of that representation.

For every poor family that receives legal assistance, Russell says, four families will go without any aid. The Legislature should help fund organizations that offer such assistance to those in need.